

1929

Kenya

No. 15666

SUBJECT

CO 533/388

Administration of Government

Proclamation of Sir Ed. Eigg's  
return to Kenya -

Administration of Govt. by  
Sir Jacob Durr

Previous

3420/28

Subsequent

Mr. Karkinson

Mr. J. Nesher  
Mr. Parkinson

Off submitted herewith of Dominant  
Commission in favour of Mr J W Barth  
empowering him to administer the  
port of Kinga in the absence of the  
Governor and suspending until  
the further signification of His pleasure  
through a S. Off.  
the Dominant Council of 5 Nov 1928  
empowering Mr J W Barth to administer  
the port in the absence of the  
Gov and substantive Col Sec

I presume that it is desired that the  
Dominant Council of 5 Nov 1928 should be  
revived some time after the new  
Col Sec has arrived in the colony.

The draft is based on the St. Helena  
precedent of 15 Aug 1914, found herewith

If the draft meets the approval of the  
Governor please pass it through Mr. Stanley

(T. Howell)

25/3/29

All to be received by the Dept.  
Mr. S. G. G. G. cannot return  
all late in June.  
that more the need

Col. Lee, will send letter  
in May, & it is desired  
to arrange now that  
Sir J. Baillie should continue  
to administer the Govt.  
when Lt. Moore, the  
holder of the substantive  
asst. of Col. Sec.,  
takes up duty, - pending  
the return of Sir E. Grigg.

Do you agree that  
Lt. Howell's offer will meet  
the case?

Acc. Parkhurst  
25.3.29

DR  
26/3/29

? Proceed with preparation of  
Foreign Commission accordingly -  
& perhaps Lt. Moore should be  
invited to come & see Lt.  
Orr & Sir J. Baillie who will explain  
to him the arrangement which is  
being made (Lt. Moore  
keeps the position more or less  
- galton, from Lt. Baillie, & is  
likely to feel no dissatisfaction;  
but it will be more convenient  
to be told the exact

position by Sir J. Baillie  
You have suggested that  
it will be appropriate to consult  
Sir J. Baillie before the Commission  
is actually submitted for  
signature. Sir J. Baillie returned  
to Kenya in Nov. 1927, so he  
is not due for leave at the  
present until July 1928.  
Dr. Ed. Parkhurst  
26.3.29

Dr. Ed. Parkhurst  
26.3.29  
Sir J. Baillie  
I am sorry you did not see Mr. Moore this  
morning, but did not mention this point  
How many I had previously asked Mr. Moore specifically  
whether he would have any objection; and he  
replied that he thought it would be better  
for him if he did not have to act.  
I told him that action would probably be  
taken on the lines of this draft, which he  
said he has now seen  
(Mr. Moore is leaving for France next  
Thursday)  
27.3.29

To make sure that I  
had not misunderstood  
him on Monday  
a/c

To O.A.G. TELEGRAM. 28 MARCH, 1929.  
(administration until Sir Ed. Grigg's return).

O.A.G. TELEGRAM. 30 MARCH, 1929.  
Will be pleased to administer Government until  
Sir Ed. Grigg's return.

DESTROYED UNDER STATUTE

Lt. Howell  
Will you now, please, get

a copy of the new  
Commission

all Parkman  
11.11.29

Mr Parkman  
Mr Bottomley

It is not necessary for such  
temporary dormant Commissions to  
be printed & after speaking to  
you (Mr Parkman) a typed copy  
has been prepared for signature  
by the Counsellors of State.

If you approve submission  
of the document to them for sig  
I will send it on to the Sec for  
the purpose. It should go  
out to the Sec by the  
mail of Thursday 11 April.

yes  
a.c.l.

E.H. Howell  
2/4/29

with some changes in that  
our Court at St. James's is  
covered in the present vic.

all Parkman  
3.11.29

Let Sir S. Wilson see (this week)  
and after the S/C has gone to the  
Council Office

W.C.B. 2.4.29

Sir S. Wilson has  
seen  
Kest  
4/4  
Dormant Comm  
sent to Sec  
from  
Counsellors of  
State

Deputy Governor Telegram 14 Aug 1929  
RESTRICTED UNDER SECT 1  
Sir Howard Giff, resumed the Government

All departments  
concerned notified on return from base 14th August

14/8

Mr Howell

I sent you in advance slip about  
Mr J. Booth's dormant Commission  
(see disp. of 11.11.29 above)

below

Presumably no action is now  
required? But is the  
Commission of 10.11.29 revived  
automatically if Sir S. Giff  
were to leave the Govt  
again? If so, I think - subject  
to reference to higher authorities -  
that we should have to determine  
the Commission as I hear of  
no reason why we should  
as Col. Sec. not act in future  
administer in the ordinary  
way if the Gov. is absent.

all Parkman  
15.8.29

Mr Parkman

A. Undoubtedly, as the Comm. of  
10/11/29 suspends the operation of the  
Dormant Comm. of 5/11/28 under which  
Mr J. Booth administers only in absence of  
both of the Gov. & substantive Col. Sec.

a part of the new  
Commission

All Parkerson  
3.6.29

Mr Parkerson  
Mr Bottomley

It is not necessary for such  
temporary dormant Commissions to  
be printed & after speaking to  
you tomorrow a typed copy  
has been prepared for signature  
by the Counsellors of State.

If you approve submission  
of the document to them for sig  
I will send it on to Sir Sec for  
the purpose & should go  
out to the press by the  
end of Monday 11 Sept

Yes  
2/28

All Howell  
3/4/29

With some changes in that  
our Court at 7 am. to  
accept the proposed

All Parkerson  
3.6.29

Let Sir S. Wilson see (this week)

re: after the 2/11 has gone to the

3.6.29

To Sir J. Barth

2/11/29

at 11/11/29

Deputy Governor Telegram 14 Aug. 1929

DESTROYED UNDER STATUTE

Sir Edward Gifford resumes the Government

All departments  
concerned satisfied  
14/8

All Howell

I sent you an advance slip about  
Sir J. Barth's dormant Commission  
(see disp. of 11.6.29 screen)

in below

A

Presumably no action is now  
required? But was the  
Commission of 10.4.29 revived  
automatically in Sir S. Gifford  
were ~~we~~ to leave things  
again? If so, I think - subject  
to reference to higher authorities -  
that we need have to determine  
the Commission, as I think of  
no reason why we should  
as Col. Sec. should not in future  
administer in the ordinary  
way if the Gov. is absent

All Parkerson  
15.8.29

Mr Parkerson

A. Undoubtedly, as the Commission  
of 10/4/29 suspends the operation of the  
dormant Commission of 5/11/28 under which  
Sir J. Barth administers only in absence of  
both of the Gov & substantive Col. Sec.

I shall be  
seen  
Kest  
+ 1/4  
Council Comm  
not to  
new  
Comm  
1/11/29

X

If you wish to revive the  
 suspended Comm. of 5/11/25 it  
 will be necessary to signify  
 that because in resp. signed by  
 the (Sgt) that that Comm. shall  
 again come into operation (from  
 some convenient date, say the  
 receipt in the return of Sgt. [unclear])

Ed Howell  
 10/8/29

Ed Howell  
 Thanks. Supposing (as I should  
 like) we wish to have done  
 with [unclear] [unclear] [unclear]  
 the [unclear]

As [unclear]  
 They might best be revoked  
 by Royal Warrant  
 of the 24 [unclear] of first as above  
 [unclear] [unclear] [unclear] [unclear]  
 [unclear] [unclear] by R. Warrant  
 Ed Howell  
 10/8/29

If you wish to revise the suspended Comm of 5/11/28 it will be necessary to signify to the Govt (that has Comm shall again come into operation from some convenient date, say the receipt in the colony of ...)

E. H. Howell  
15/8/29

Mr. Howells  
I would suggest (as I think wisely) we wish to have done with both ...

Mr. Lawrence  
They might both be revoked by Warrant of Comm of 1/12/29 instead of first as about ...  
E. H. Howell  
10/8/29

not to ...  
The Govt really is ...  
Commission of 5.11.28 ...  
Col. Sec. were again absent from Kenya at the same time.  
The ... Commission was preferred ...  
There is no bar, I think, in reviving a ...  
Commission, on the chance that it might be required in emergency. If this is decided upon, the only action required ...

None  
Col.

I assume that ...  
with ... is in the saddle,  
there is no ...  
acting as Govt in the ordinary way ...  
absent ...  
all ...  
17/8/29

I see no reason to suppose that it will for all time be necessary (in the absence of the Govt & Col. Sec) to pass over the Senior Executive Council, & I should prefer to ...

Wait for the necessity to be  
proved and then come to  
new Commission.

That is, resolve both.

W.C.S. 19.8.29 at all

Draft warrant herewith on  
line of that on 53000/23/CC

W.A. Harman

22.8.29

The warrant has now been  
signed by H.M. & dated 28 Aug.  
Draft herewith of formal document  
sending it out. You may wish  
to add some explanatory  
statement?

W.A. Harman

29/8/29

It is perhaps not  
necessary but I have added  
a para for caution

W.A. Harman

29/8/29

W.C.S. 21.9.29

and

trust

Warrant 99/192



- Mr. F. Rigold. 3/9
- Mr. Harman. 4/9
- Mr. Allen 3/9
- Mr. Bostonley. 4.9

- Sir E. Harding.
- Sir J. Shuckburgh
- Sir G. Grindle.
- Sir T. Davis
- Sir S. Wilson.
- Mr. Omsby-Gore
- Lord Lovat
- Mr. Amery

X/15666/29 Kenya  
and Draft Commission

C. D.  
R. 4-SEP  
" 6 11

9 Sept. 1929

DRAFT.

Kenya.  
Miscellaneous  
Governor.

With reference to my predecessor's  
despatch Miscellaneous of the 11th of  
(3) April, I have the to transmit to  
you the accompanying ~~Warrant~~ <sup>Commission</sup>

~~part~~ under the Royal Sign

Manual, and ~~Order~~ dated the 28<sup>th</sup>  
of August, 1929, revoking the Dominant  
Commissions of the 5th of Nov. 1928

and the 10th of April 1929, appointing  
his father Barth to administer the government  
of Kenya in certain events.

~~for~~ See ~~presented copy~~  
of the Commission

C.D.

Final sealed  
warrant  
2 copies

(CW makes  
6 copies for C.D.)

Copy also to  
the Commission

~~are also enclosed~~

Thank you.

2. These Commissioners

have been revoked as far as it appeared  
to me that the  
Act's which called for them are

an exceptional case

unlikely to recur within any period  
which need be taken into account.

Thank you

(Signed) PASSFIELD.

(A) George K I

GEORGE THE FIFTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these presents shall come, Greeting.

WHEREAS by a Commission passed under Our Sign Manual and Signet bearing date the Fifth day of November, 1928, We did appoint Our Trusty and Well-beloved Sir Jacob William Barth, Knight, Commander of Our Most Excellent Order of the British Empire, to administer the Government of Our Colony of Kenya during Our Pleasure, with all the powers, rights, privileges and advantages to the same belonging or appertaining, in the event of the death, incapacity, removal or absence of Our Governor of Our said Colony and of the person for the time being holding the substantive appointment of Colonial Secretary thereof:

AND WHEREAS by a further Commission under Our Sign Manual and Signet bearing date the Tenth day of April, 1929, We did suspend the operation of Our said Commission bearing date the Fifth day of November, 1928, and in lieu thereof did appoint

the

the said Sir Jacob William Barth to administer the Government of Our said Colony, during Our pleasure, with all the powers, rights, privileges and advantages of the same belonging or appertaining, in the event of the death, incapacity, removal or absence of Our Governor of Our said Colony:

AND WHEREAS We no longer deem it necessary to make provision as set forth in Our said Commission dated the Fifth day of November, 1928, or in Our said Commission dated the Tenth day of April, 1929;

NOW, THEREFORE, We do hereby revoke Our said Commission dated the Fifth day of November, 1928, and Our said Commission dated the Tenth day of April, 1929, and do declare that henceforth and until Our pleasure shall be further signified, the administration of the Government of Our Colony of Kenya shall be regulated by the provisions of the Letters Patent in force in Our said Colony.

Given at Our Court at Saint James's this Twentyeighth day of August, 1929, in the Twentieth year of Our Reign.

By His Majesty's Command.

Mr. Howell 5/4/29  
 Mr. Blain 5/4  
 Mr. Parkinson 5/4/29  
 Mr. Bottomley 5/4  
 Sir E. Harding  
 Sir J. Shuckburgh

FOR MAIL OF 29  
 11 APRIL

CD  
 not make copy for  
 after instrument.

11 April 1929

Sir G. Grindle.  
 Sir C. Davis.  
 Sir S. Wilson  
 Mr. Ormsby-Gore.  
 Lord Lovat.  
 Mr. Amery

Sir,  
 I have the honour to  
 transmit to you the  
 accompanying Dormant  
 Commission signed by  
 the Councils of State on  
 behalf of H.M. the King  
 appointing you to  
 administer the Government  
 of the Colony of Kenya in  
 the absence etc of the  
 Governor.  
 In accordance with  
 the third clause of the  
 Commission the operation  
 of the Dormant Commission

DRAFT. Despatch  
 to address:-  
 Sir Jacob  
 Sir J. W. Barth CBE.  
 O.C. of Kenya.

Miscellaneous

~~Dormant Commission~~  
 Dated 11/4/29  
 + 6 copies for

CD. to make 18 copies  
 of Dormant Commission  
 after the signature & date  
 of the instrument.

of the 5th November, 1928,  
authorizing you to administer  
the Government in the  
absence of the Governor and  
of the reason for the time  
being holding the substantive  
appointment of Colonial  
Secretary of the Colony, is  
suspended until His  
further pleasure shall be  
signified through the  
Secretary of State

Yours faithfully,  
[Signature]

COLONY OF KENYA.

DORMANT COMMISSION passed under the Royal Sign Manual and Signet appointing Sir Jacob William Barth, Knight, C.B.E., to administer the Government of Kenya in certain events.

Signed on Behalf His Majesty the King.  
Edward V.  
Stanley Baldwin.  
Minister.

Dated 10th April 1933.

George the Fifth, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India To Our Trusty and Well-beloved Sir Jacob William Barth, Knight, Commander of Our Most Excellent Order of the British Empire, Greeting.

We do by these Our Commission under Our Sign Manual Signet, appoint you, the said Sir Jacob William Barth, to administer the Government of our Colony of Kenya during Our pleasure, with all the powers, rights, privileges and advantages of the same belonging or appertaining, in the event of the death, incapacity, removal or absence of Our Governor of Our said Colony.

II. And we do in such event hereby authorize, empower, and command you to exercise and perform all and singular the powers and directions contained in certain Letters Patent bearing date at Westminster the Eleventh day of September 1932. Constituting the Officer of Governor and Commander-in-Chief of Our

said

DORMANT COMMISSION appointing  
SIR JACOB WILLIAM BARTH, C.B.E.,  
to administer the Government of the COLONY OF KENYA.

Appointment of  
Sir J.W. Barth,  
C.B.E., to  
administer the  
Government in  
certain events.

Letters under  
Letters Patent.

11

said Colony, or in any other Letters Patent adding to, amending; or substituted for the same, according to such Orders and Instructions relating to the territories comprised in Our said Colony, as Our Governor and Commander-in-Chief for the time being may have already received, or may hereafter receive from Us, and to such further Orders and Instructions as you may receive from us.

Suspension of  
Barnant Commission  
of 5th November 1928

III. And until Our further pleasure shall be signified through one of Our Principal Secretaries of State We do hereby suspend the operation of Our Barnant Commission under Our Sign Manual and Signet bearing date the Fifth day of November 1928, appointing you, the said Sir Jacob William Barth, to administer the Government of Our Colony of Kenya in the events therein specified. And We do further direct that on the signification of Our further pleasure as aforesaid this Our present Commission shall cease to have any force or effect.

Officers and others  
to obey.

IV. - And We do hereby command all and singular Our Officers and loving subjects in Our Colony of Kenya, and all others whom it may concern, to take due notice hereoff, and to give their ready obedience accordingly.

Given at Our Court at Saint James's, this Tenth day of April 1929, in the Nineteenth year of Our Reign.

By His Majesty's Command,

L.S.Amery.



M. Accd 26.4.29  
M.  
M.

15666/4929 / U Kenya

12  
E

- M. J. Harding
- Sir J. Shankburgh
- Sir G. Grindle
- Sir C. ...

+ Sir S. ... *at 22*  
27.3.29.

*Personal file*  
O.D.  
R 20 MAR

*C. del. sent*  
12.35 p.m. 28.3.29  
C.A.

M. ...  
M. ... *Con...*

DRAFT Code etc.

*G.W. ...*  
*M. ...*

20 March Personal  
 On receipt advice for  
 release of ... will propose  
 for ... ~~...~~ ...  
 for 3 months @ home  
 - sails by the *Manstephan*  
 Castle 25<sup>th</sup> ~~...~~ *April* @ ...  
 the ... for those  
 who ... *Kenya*  
 15 ... *Kenya*  
 ...

circumstances and I hope  
therefore that you will be  
willing to continue to administer  
the Government <sup>if necessary</sup> until <sup>Grigg's</sup> ~~his interests~~  
return in which case Moore  
would ~~be able to~~ assume  
normal duty of Colonial Secretary.  
This arrangement is <sup>in</sup> accordance  
with ~~his~~ <sup>Grigg's</sup> ~~views~~ views  
and you need anticipate no  
objection on the part of Moore.  
Fresh document commission  
for you will be necessary  
I am learning that you are  
agreeable to proposal  
commission will be prepared

Denby